

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
MAR 27 2008
[Signature]
CLERK

LYLE E. LAFAVE,

Plaintiff,

VS.

DOUGLAS WEBER, Warden,
South Dakota State Penitentiary;
CALVIN GJERE, Correctional Officer;

Defendants.

CIV. 07-4076

ORDER

Defendants filed their Motion for Summary Judgment (Doc. 20) on March 12, 2008. By letter to defense counsel postmarked March 21, 2008, Plaintiff informed counsel he wishes to withdraw his case because he is “not allowed full access to a legal library or the lawyer to help me understand what all this paperwork is about.” He feels overwhelmed and does “not know what to do but quit.” Plaintiff’s letter was brought to the attention of the court on March 25, 2008, as an attachment to the Affidavit of Jeffrey L. Bratkiewicz (Doc. 27).

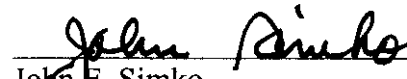
In order to respond to Defendants' Motion for Summary Judgment, Plaintiff simply needs to file a document entitled "Plaintiff's Response to Motion for Summary Judgment." In that document, Plaintiff must state clearly and concisely any facts he does not agree with that defendants have mentioned in their Statement of Undisputed Material Facts (Doc. 21) and must present his version of the facts of his case. Plaintiff needs to state facts, not legal argument.

Accordingly, it is hereby

ORDERED that Plaintiff's response to Defendant's Motion for Summary Judgment is due on or before May 12, 2008. Defendants' reply, if any, is due on or before May 26, 2008.

Dated this 27th day of March, 2008.

BY THE COURT:



John E. Simko
United States Magistrate Judge

ATTEST:

JOSEPH HAAS, CLERK

By: , Deputy
(SEAL)